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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Burundi

Note by the Secretary-General

The Secretary-General has the honour to transmit to members of the General Assembly a brief interim report on the human rights situation in Burundi prepared by Mr. Paulo Sérgio Pinheiro, Special Rapporteur of the Commission on Human Rights, pursuant to Economic and Social Council decision 1997/280 of 22 July 1997.

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ANNEX

Interim report on the human rights situation in Burundi submitted by the Special Rapporteur of the Commission on Human Rights, pursuant to Economic and Social Council decision 1997/280

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 6	3
II.	RECENT DEVELOPMENTS IN THE BURUNDIAN CRISIS	7 - 74	4
	A. The overall situation	7 - 59	4
	B. Human rights situation	60 - 74	13
III.	OBSERVATIONS	75 - 88	16
IV.	RECOMMENDATIONS	89 - 110	18
	A. Action at the national level	90 - 102	19
	B. Action at the international level	103 - 110	21

I. INTRODUCTION

1. Pursuant to Commission on Human Rights resolution 1997/77, adopted on 18 April 1997 at the Commission's fifty-third session, the Special Rapporteur on the situation of human rights in Burundi is submitting to the General Assembly an interim report, covering the period from 15 April to 31 August 1997.

2. By resolution 1997/77, the Commission extended the mandate of the Special Rapporteur for an additional year and requested him to submit a report to it at its fifty-fourth session. By a letter dated 26 May 1997, the Special Rapporteur informed the Minister for Foreign Affairs and Cooperation of Burundi that he wished to make a fourth visit to the country from 30 June to 14 July 1997. The Minister replied, by a letter dated 13 June 1997, that because of a very full schedule, he regretted to inform the Special Rapporteur that the Government of Burundi was not in a position to grant his request. The Special Rapporteur's visit would have to be postponed to a later date, to be agreed upon through the diplomatic channel.

3. On 27 June 1997, the Special Rapporteur again wrote to the Minister for Foreign Affairs and Cooperation, recalling his obligation to report to the General Assembly and the Commission on Human Rights at their next sessions. He also stated that he wished to pursue actively the dialogue initiated with the authorities and the population, by gathering specific information on recent developments in the country's human rights situation. His visit was essential for enabling him to prepare, with complete independence and objectivity, the fullest possible report on the latest developments. The Special Rapporteur added that he had no intention of taking sides with respect to Burundi's current political, ideological or social situation. He wished only to bear witness, in solidarity, to the sufferings of the victims of human rights violations in Burundi. The Special Rapporteur then proposed two new time-frames for his visit to Burundi: from 14 to 28 July or from 21 July to 4 August 1997. He indicated, however, that if those dates were not convenient for the Burundian authorities, he remained open to the possibility of setting new dates, insofar as the latter could be reconciled with his professional activities.

4. The Special Rapporteur is well aware of the importance of the ongoing peace process in Burundi, which is taking up most of the Burundian authorities' time. He would like to recall, however, the flexibility he showed in his second communication concerning the choice of new dates for his visit. Unfortunately, the Special Rapporteur has thus far received no specific proposal from the Burundian authorities.

5. The Special Rapporteur was surprised to learn from the media that the Burundian authorities had asked the representative of the United Nations High Commissioner for human rights to end his mandate, whereas the designation of the Special Rapporteur is the sole prerogative of the Chairman of the Commission on Human Rights. Since the Special Rapporteur's mandate was extended for an additional year at the Commission's fifty-third session, his request to visit Burundi and the present report to the General Assembly are perfectly consistent with the terms of that mandate.

6. The Special Rapporteur discusses recent developments in the Burundian crisis in section II of this report, puts forward his observations in section III, and presents his recommendations in section IV.

II. RECENT DEVELOPMENTS IN THE BURUNDIAN CRISIS

A. The overall situation

1. Evolution of the Burundi conflict since mid-April 1997

7. During the first half of 1997, the trends which the Special Rapporteur has already described in the addendum to his second report to the Commission on Human Rights were confirmed.[1]

8. The Government in power has had to meet challenges on various fronts, inter alia by relying on the armed forces, negotiating with representatives of the Conseil national pour la défense de la démocratie (CNDD) and coming to terms with the demands of neighbouring countries such as Rwanda and Uganda. The partial lifting, on 16 April 1997 at the Fourth Regional Summit on the Burundi conflict, of some of the sanctions against Burundi has given a new impetus to political life in that country, although democracy has yet to be restored.

9. On 13 May 1997 Major Buyoya confirmed, in a televised interview, that a delegation from his Government had met with representatives of CNDD over the previous four weeks. He also announced that the talks had concerned possible steps for the restoration of peace. During that period, the Burundian authorities had undertaken a wide-ranging awareness and information campaign, via television, to try to convince various sectors of civil society throughout the country of the validity of the negotiations undertaken and of the need to pursue them. This campaign was based on the three main items which Major Buyoya included in his initial government agenda: pursuit of the national debate within the country with a view to the rapprochement and reconciliation of the people of Burundi; organization of peace conferences involving nationals of Burundi from both inside and outside the country; and early initiation of negotiations open to all parties concerned with the Burundi conflict in the Great Lakes region, mediated by former Tanzanian President Julius Nyerere.[2]

10. Secret talks held in Rome beginning in September 1996, under the auspices of the Sant'Egidio Community, between the Government of Burundi and CNDD led to the signing, on 10 May 1997, of a framework agreement between the parties concerning the negotiations to be held with a view to restoring peace and democracy.

11. On 16 May 1997, the second hearing took place, before the Supreme Court of Bujumbura, in the trial of the 53 military officers accused of having participated in the failed coup d'état of 1993. The officers include a former Minister of Defence, Colonel Charles Ntakije; the former Chief of Staff of the Army, Colonel Jean Bikomagu; and a former member of the National Assembly, François Ngeze, a member of the Union pour le progrès national (UPRONA) party. Reportedly, 16 of the accused officers are still in detention, while 36 others have been released.

12. Colonel Pascal Ntako, who was arrested in the context of the March 1997 assassination attempt against the head of State and held in Muyinga prison in the province of the same name, where conditions of detention are particularly poor, died on 15 May 1997, probably as a result of a fever. A diabetic, he urgently needed medications and an appropriate diet. The Observer Mission to monitor human rights had already visited him on 10 April, had transmitted recommendations to the prison authorities and had sent a delegation to visit him again; unfortunately, the latter did not arrive until shortly after Colonel Ntako's death.

13. The willingness of the Government of Burundi to hold peace negotiations with all parties to the conflict, including armed factions, and the talks held in Rome set off a wave of discontent and protest, especially among the students of the University of Burundi in Bujumbura. An attempted demonstration on 19 May 1997, which was dispersed by the forces of law and order, prompted the Rector's office to suspend classes for about two weeks.

14. Also in May, the Kinama, Kamenge and Kinindo districts of the capital were shaken by gunfire, which, according to the Ministry of Defence, was due to criminal acts. At the end of May, soldiers and rebel groups clashed in the commune of Kanyosha, Rural Bujumbura. In the provinces of Bururi, Makamba, Bubanza and Cibitoke, confrontations between rebels and soldiers continued, resulting in dozens of civilian deaths. On 19 May, a rebel attack in Cibitoke left 63 dead, mostly women, children and elderly persons.

15. During this period, the situation became particularly alarming in the Nyanza-Lac region of southern Burundi as a result of violent clashes between military and rebel forces and army sweeps of the collines. At least 50,000 people were moved to regroupement camps, where they were cut off from all humanitarian assistance and exposed to cholera, malaria and dysentery epidemics.

16. At the institutional and political level, the National Assembly concluded its parliamentary session on 6 June 1997 without having been able to pass a single law for lack of a quorum. Many members of the Front pour la démocratie au Burundi (FRODEBU) went into voluntary exile, while some members of the Union pour le progrès national (UPRONA) reportedly chose not to participate in the work of the National Assembly.

17. On 7 June 1997, the Government of Burundi authorized the former President of the Republic, Sylvestre Ntibantunganya, to leave the residence of the United States Ambassador, where he had taken refuge just before the coup d'état of 25 July 1996, and to go to a villa placed at his disposal by the present authorities. This was a concession on their part towards Burundi's former head of State.

18. In mid-June and in the last week of June, Major Buyoya visited the provinces in the northern and southern parts of the country to try to convince his interlocutors of the validity of the talks being held with CNDD. At a press conference held in Bujumbura on 26 June 1997, he requested the help of the international community in ensuring the success of the peace process in Burundi, while regretting that the partial lifting of sanctions had not yet had any

tangible effects. Major Buyoya reaffirmed his willingness to accept the good offices of a mediator.

19. Between 1 May and 14 July 1997, frequent military operations took place in the provinces of Rural Bujumbura, Bubanza, Cibitoke, Bururi and Makamba, during which dozens of civilians were killed and houses were looted or burned. However, in June, confrontations between soldiers and rebel groups seemed to become less intense in the southern provinces, in a reversal of what had happened in April and May 1997. Nonetheless, explosions of anti-personnel and anti-tank mines caused many deaths and injuries among both civilians and soldiers in the provinces of Rural Bujumbura and Bubanza. On 30 June 1997, an anti-tank mine exploded under a vehicle carrying the wife of the Speaker of the National Assembly on the colline of Kiriri in Bujumbura. She escaped with minor injuries, but her bodyguard was killed and her driver injured. Mines were also a danger in Cibitoke province and along the bank of Lake Tanganyika between Bujumbura and Makamba.

20. In June the Burundi authorities launched an initial operation to return displaced populations to their collines of origin, and announced that the regroupement camps would be dismantled by September 1997. Thus, 16,000 people from the township of Gatara who had been moved to the Gisyo camp in Kayanza province benefited from the government programme to return them to their homes.

21. On the occasion of the thirty-fifth anniversary of Burundi's independence (1 July 1997), Major Buyoya reaffirmed his willingness to pursue peace talks with all the political parties and armed factions concerned, despite the reservations expressed by some components of Burundian society. He also indicated that he would increase the army's troop strength and improve its logistical support. On 15 July 1997, the Burundian authorities reopened the frontier separating Burundi from the new Democratic Republic of the Congo as a first step in normalizing relations between the two countries. However, no trace has yet been found of some 35,000 Burundian nationals who reportedly took refuge in the Democratic Republic of the Congo.

22. Notwithstanding these developments, as noted in the Secretary-General's report to the Security Council of 15 July 1997,[3] the country's main political forces, FRODEBU and UPRONA, are still torn by internal divisions, while the extremist groups at both ends of the political spectrum are extending their influence. The same is true of the rebel groups, as confrontations between members of the Front pour la défense de la démocratie (FDD), the armed wing of CNDD, and the Parti pour la libération du peuple hutu (PALIPEHUTU) have been frequent, especially in the northern provinces.

23. Throughout the month of July, disturbances undermined security in the provinces of Cibitoke and Bubanza. The Governor of Bubanza said on television that several incidents involving anti-personnel and anti-tank mines had occurred in his region. Clashes between FDD and PALIPEHUTU members reportedly left at least 200 dead in the same province. Other confrontations were said to have taken place between soldiers and rebels in the provinces of Cibitoke, Rural Bujumbura and Bubanza, with many civilian casualties. Various incidents involving anti-tank mines occurred in the latter two provinces at the end of the month.

24. At the political level, in the last week of July Ambassador Mohamed Sahnoun, Joint United Nations/Organization of African Unity (OAU) Special Representative for the Great Lakes Region, Ambassador Howard Wolpe, United States Special Envoy for Burundi, and Ambassador Aldo Ajello, Special Envoy of the European Union, came successively to Burundi to discuss, with the authorities, political parties and other actors concerned, the preparations being made for the peace negotiations to be held in Arusha, United Republic of Tanzania, on 25 August 1997.

25. Also towards the end of July, the community of humanitarian organizations in Burundi was concerned that the policy of population regroupement initiated by the authorities might lead, not to the return of these populations to their collines of origin but to their transfer and resettlement along some of the country's major roads in an attempt at enforced "villagization", as appeared to be the case in the province of Kayanza. New roads would supplement the recently built villages, making the army's task of protecting the populations concerned easier.

26. At dawn on 31 July 1997, six people under sentence of death were executed by hanging at Mpimba prison, in Bujumbura. In his communiqué of 1 August 1997, the Rapporteur noted that these executions were all the more disturbing and serious since they concerned people who had not had the benefit of due guarantees during their trials, notably the presence of a lawyer. It subsequently emerged that two of those sentenced to death had submitted pleas for clemency shortly before they were executed.

27. During the same period, serious breaches of the right of prisoners to physical integrity were brought to the notice of the Special Rapporteur. These mostly concerned people detained at the Third Rapid Deployment Battalion in Kamenge, in the municipality of Bujumbura, who were allegedly tortured or ill-treated. Several of these prisoners are said to have died as a result of their ill-treatment.

28. It is alleged that on 2 August 1997 a representative of the National Assembly and member of FRODEBU, Mr. Paul Sirahenda, disappeared with his driver on his way to the province of Makamba to go to the United Republic of Tanzania and visit his family. After leaving Bujumbura the day before and spending the night in a town near the Tanzanian border, he was apparently arrested by soldiers and taken to the town of Mugina, while his driver was forced to drive his vehicle to another place. Eyewitnesses said they had seen this vehicle burned out beside the road. Subsequently, the body of the driver was also said to have been recovered. However, no other evidence has yet led to any trace of the parliamentarian, who is feared to have been murdered.

29. In the week of 4 to 11 August 1997, the Minister of the Interior, Colonel Bayaganakandi, expressed in a letter with the President of UPRONA, Mr. Musaki, his opposition to the holding of an extraordinary congress of his party announced by the latter. The Minister claimed, to the indignation of Mr. Musaki, that only the central committee had the power to convene a national congress. In the week that followed, while the former Tanzanian President and mediator in the Burundi crisis, Mr. J. Nyerere, announced that he had invited all the parties concerned to the next phase of negotiations, due to be held in

Arusha on 25 August 1997, the President of UPRONA announced that he refused to go there to talk to "terrorist and genocidal groups".

30. It is significant that the decision by CNDD to take part in the Arusha negotiations caused considerable rifts among opposition groups. Violent clashes in the provinces of Cibitoke and Bubanza during the second week of August claimed over 600 victims among the armed factions of the PALIPEHUTU and CNDD, according to some sources. This fighting reportedly forced some 13,000 people to flee their homes and, completely destitute, to take refuge in the main towns of the two provinces, as later confirmed by a joint mission of United Nations agencies and humanitarian organizations that visited the places to assess their needs. Almost 9,000 of these people were able to receive food aid.

31. As for the security situation in the country, the provinces affected by the violence are still Makamba, in the east of the country, Bururi, in the south, Bubanza and Cibitoke in the north, and Rural Bujumbura. On 4 August, following the ambush of a lorry by rebels on the Bujumbura-Rumonge road, two people reportedly disappeared. Other incidents caused by rebel groups are said to have been reported on this major road in the towns of Muhuta and Kabezi. On 7 August, in a rebel attack on a minibus going from Rumonge to Bururi, three of the passengers were reportedly wounded. Another rebel incursion in Maramvya, in the province of Bururi, allegedly left one person dead and three missing. In the capital, it is reported that shots heard in parts of Ngagara and Cibitoke on the evening of 10 August ended in two deaths.

32. In their search for a solution to the Burundian crisis, the authorities began a second phase of national discussions in Burasira, in the province of Ngozi, on 19 and 20 August 1997, and set up a new ministry, with special responsibility for the peace process. Unfortunately, the Burasira meeting ended without a final joint declaration being adopted by the participants, in the absence of consensus. Moreover, the discussions were impeded by the question of whether or not there had been acts of genocide during the events of 1993. Lastly, the Ministry of Institutional Reform and Relations with the National Assembly now has responsibility for human rights, which had hitherto come under the Ministry of Social Action and Promotion of Women.

33. On 22 August 1997, the Minister for Foreign Affairs and Cooperation announced to representatives of the diplomatic community and United Nations agencies in Bujumbura that he was postponing his participation in the Arusha negotiations of 25 August because of the tensions that had recently arisen in relations between the United Republic of Tanzania and Burundi, including on the question of the Burundian rebels allegedly being trained in camps in Tanzanian territory, not far from the Burundi border, on the dispatching of Burundian troops as reinforcements to the Tanzanian border, and on the issue of maintaining economic sanctions against Burundi.

34. With the Arusha meeting postponed, the Special Representative of the United Nations and OAU entered into intense consultations in the ensuing days with the Burundian authorities, the main political parties, the President of the National Assembly and representatives of the diplomatic community, as well as with their Tanzanian contacts, in an attempt to get the peace process back on track. Other diplomatic steps were undertaken in Bujumbura after 30 August 1997, particularly

by the United States Special Envoy, Ambassador H. Wolpe, to support the efforts of the former Tanzanian President J. Nyerere.

35. At another level, Burundi received a visit from the United Nations Under-Secretary-General for Humanitarian Affairs. The latter went to the province of Kayanza on 25 August 1997 to visit regroupement camps and camps for displaced persons, accompanied by representatives of United Nations agencies, the human rights observer mission and various humanitarian non-governmental organizations, and to observe the extremely precarious living conditions of the populations concerned as well as the extent of their needs.

36. It was in this tense political context that seven political parties, including FRODEBU, the Parti pour la réconciliation du peuple (PRP), Solidarité Jeunesse pour la défense des minorités (SOJEDEM) and the Parti pour le redressement national (PARENA), issued a press release on 29 August 1997 in a local newspaper, Azania, requesting that stronger sanctions be adopted with regard to Major Buyoya, to force him to resign.

37. In the second fortnight of August, the lack of security remained disturbing in Burundi, with the explosion of several anti-tank mines, especially in the province of Rural Bujumbura, causing dozens of deaths. In the commune of Buyengero, in the province of Bururi, a van was blown up by one of these mines. The explosion killed two and injured six people. Another similar incident took place on 31 August in the province of Bubanza, when a vehicle of the national electricity and water company ran over a mine, killing two of its occupants. However, at the end of August a certain calm was reported in the commune of Nyanza-Lac, allowing an assessment mission, consisting basically of United Nations agencies, to visit and get an idea of the situation of the population, who were mostly victims of attacks by rebels or pursuit operations carried out by the army.

38. The Special Rapporteur took note of the joint statement issued by the Fifth Arusha Regional Summit on the Burundi conflict, held in Dar Es Salaam on 4 September 1997, which maintains the existing sanctions against Burundi, with the creation of a special secretariat to supervise their implementation, reconfirms the former President of the United Republic of Tanzania in his role as mediator, and urges the Burundi Government to take part in the next phase of talks, when these are convened by former President Nyerere."

39. The Burundian authorities are also requested to suspend trials in progress until a negotiated solution has been worked out to deal in an appropriate way with the crimes committed; to allow, without preconditions, the President of the National Assembly, Mr. L. Ngendakumana, former President S. Ntibantunganya and former President J.-B. Bagaza to travel to and take part in the next peace talks; and, lastly, to begin immediately to demolish the regroupement camps.

2. Effects of the war and the embargo on living conditions

40. It is now estimated that 600,000 Burundians are living far from their homes, scattered around the country. More than half of these people are thought to be gathered in regroupement camps, called 'protected sites' by the Burundi authorities. The other 300,000 are displaced persons taking refuge in camps because of the fighting that is tearing apart their villages, or are recent returnees unable to return to their colline of origin because of the lack of security. Furthermore, over 100,000 displaced children receive no assistance whatsoever, according to the representative of the United Nations Children's Fund (UNICEF) in Bujumbura, speaking at a press conference in New York on 20 June 1997.

41. The vast majority of these populations do not have the minimum foodstuffs to avoid malnutrition and diseases, according to a spokesperson for the World Food Programme (WFP), speaking on 15 August 1997. Malnutrition rates are reported to be particularly high in the provinces of Karuzi, Bubanza and Kayanza. In the province of Bubanza, the lack of security has forced many undernourished people to turn to public health outlets for medical assistance and food aid, often after living for months in hiding in forests.

42. On analysing the information made available to him, the Special Rapporteur has been struck by the fact that the level of foodstuffs remains precarious, despite the easing of economic sanctions in certain spheres to aid humanitarian organizations. It has been directly affected by the poor harvests this year and the continuing civil war. The average cost of foodstuffs has risen by 40-50 per cent as compared to the beginning of 1996, according to estimates of the Food and Agriculture Organization of the United Nations (FAO) in its May 1997 report.

43. According to recent estimates by the World Health Organization (WHO), some 600,000 people in 10 of the 16 provinces in Burundi are threatened with typhus, following the appearance of the first cases in the province of Bururi in the first fortnight of July 1997. Moreover, more than 20,000 cases of typhus had already been registered between January and March 1997 in the provinces of Ngozi, Muramvya and Kayanza, according to a WHO study, indicating that it is the most serious typhus epidemic to hit Burundi since the Second World War.

44. The most tangible effect of the sanctions on Burundi can be seen in the substantial overall increase in the prices of goods and services, which nonetheless vary from one region of the country to another. Agricultural products have practically doubled in price. Following the embargo, the increase in transportation costs, particularly petrol, has led to higher prices in the shops. Moreover, the increase in petrol prices at first seriously hampered the mobility of the population, and to some extent that of the army, inside the country, until petrol imports from the United Republic of Tanzania and Rwanda resulted in lower prices.

45. Despite the good harvests this year, both wholesale and retail prices are still very high. In Bujumbura, an average family's spending on food was 10,425 Burundian francs at the end of June 1997, compared with 5,228 Burundian francs before sanctions.

46. The sanctions have also had a direct impact on education, since almost all school materials are imported. The cost of textbooks has almost doubled throughout the country, and in some cases has even tripled. The cost of pens and uniforms has also doubled. Also, the prices of building materials have rocketed following the embargo, which totally cut off the flow of imports. School infrastructures have suffered very seriously because of the crisis: of the 10 secondary schools that existed before 1993 only 8 are still open, while in the primary sector, of the 56 schools in operation before the crisis, barely 14 are in a position to carry on with their teaching activities.

47. One of the consequences of the dramatic increase in prices has been to drive rural and semi-urban populations out of the monetary economy. Those who own a patch of land have been forced to fall back on subsistence farming, while those with no land have been compelled to reduce their consumption. It is extremely difficult to find supplementary jobs to earn some extra income, partly because of existing unemployment. While it would be an exaggeration to speak of a famine caused by the price rises, the pockets of malnutrition found among the population continue to increase in number as sanctions are maintained.

48. In fact, the embargo is, together with the war, the major factor in the deterioration of subsistence farming conditions. The war led to the displacement or regroupement of several hundred thousand people, for the most part small farmers. The latter have in many cases managed to cultivate their fields, albeit in a limited fashion, despite the conflict. The appearance of regroupement camps and their proliferation in areas of the country considered unsafe further damaged agricultural production in the first quarter of 1997. While in some regroupement sites the assembled populations have, with the agreement of the local and military authorities, been able to retain some independence and cultivate their fields, in many other cases access to plots of land has been subject to various restrictions that reduce the efficiency of the farmers. The distance that the latter have to travel, together with the loss of motivation to produce more, owing to the lack of sufficient outlets for their products, all contribute to weakening the agricultural capacity of the country.

49. Imports of fertilizer were hard-hit by the embargo, which also seriously hampered the Government and humanitarian organizations in the distribution of seed. The obstacles encountered by those organizations in gaining access to their stocks of equipment, food, medicines and petrol have had a lasting disruptive effect on their ability to make up for the deficiencies in agricultural production in the country.

50. Apart from agriculture, industry in Burundi, which depended on many external supplies for its operation, has suffered greatly as a result of the embargo. The manufacture of beer and the processing of products such as sugar, flour, milk and cotton-seed oil, as well as the production in limited quantities of soap, paint, steel, oxygen and bricks, and the textile industry (in which the CODEBU company has a near-monopoly) have all been strongly affected by the embargo. Between July and September 1996, industrial production fell by around 8 per cent, particularly in the building and chemical sectors. The situation in these sectors has further worsened since then. The effects on employment have been very worrying.

51. The embargo has also had a disastrous effect on health services in the country, making a situation that had been precarious since 1993 even worse. Government expenditures in this sector, concentrated especially in the capital, are very restricted and do not exceed 4 per cent of the budget. Of the 320 doctors in Burundi, 199 live in Bujumbura. While there is one doctor for every 2,520 people in the capital, the proportion is only one doctor for every 75,000 in the rest of the country. Stocks of medicines are always higher in Bujumbura than elsewhere. On account of the sanctions, the concentration of these resources in the capital has become even more pronounced. Of the country's 29 hospitals outside Bujumbura, 13 are operating most of the time without a stock of medicines.

52. Lastly, the balance of payments, which was already very heavily in the red before the imposition of economic sanctions, has subsequently become still more so. The deficit increased by about 20 per cent during the period from July to September 1996. The 25 July coup d'état associated with the sanctions induced many of the donor countries which still had assistance or cooperation programmes in Burundi to suspend them. Despite these developments, the Government of Burundi continued to pay its foreign debt servicing, thus reducing the country's hard currency reserves.

53. As the Rapporteur has already explained in his second report to the Commission on Human Rights,[5] the Government of Burundi is to a certain extent counting on the United Nations system and humanitarian organizations to fill the gaps in medical services, the share of the budget allocated to which is only 4 per cent, according to certain information transmitted to the Special Rapporteur, by reason of the concomitant effects of the economic sanctions and military and internal security expenditures, the latter being estimated at 38 per cent of the State budget.

3. The policy of regroupement

54. The policy of regroupement perceived by the Burundian authorities started in February 1996 in Karuzi province and was stepped up from October 1996 onwards. While it is true that this policy applies above all to populations of Hutu origin who remained on the collines, the displaced persons' camps which since October 1993 have been housing populations of Tutsi origin must not be forgotten. More recently, surveys conducted in Burundi have shown that in some cases, displaced persons' camps were also housing returnees who had come back to Burundi, or, conversely, that regroupement camps also included Tutsis who had come to seek refuge.

55. A preliminary evaluation based data provided by various United Nations agencies, non-governmental organizations (NGOs) and the Burundian authorities which was made public on 4 June 1997 indicates that about 10 per cent of Burundi's total population are currently living away from their homes in 259 camps for displaced or regrouped persons. A statistical table of this state of affairs, province by province, appears as an appendix.

56. The Burundian authorities have always claimed that the policy of regroupement was designed to ensure better protection of the population in the

unsafe areas, and was a temporary measure aimed at the eventual return of the regrouped persons to their collines of origin once security was restored there. In July the authorities launched in Kayanza province an operation for the return of some of the population, indicating that similar measures would follow in other provinces where there were regroupement sites, with a view to dismantling the camps by September 1997. Thus about 16,000 people left the Gishio camp in Gatara commune to return to their collines of origin. At a tripartite meeting held in Bujumbura on 3 September 1997, which brought heads of United Nations agencies, representatives of international NGOs, diplomats and representatives of donors, the Government of Burundi stated its intentions regarding the return of regrouped populations from Karuzi, Kayanza and Muramvya provinces to their communes of origin.

57. According to many accounts which have reached the Special Rapporteur, regroupement of the population has taken place in fairly different circumstances depending on the provinces concerned and the level of insecurity in the regions where the regroupement camps were established. Some of them have been the result of a coercive policy by the authorities towards the population; others, on the contrary, were formed more spontaneously, in a reaction by the population to protect itself against incursions by rebel groups or reprisals by soldiers.

58. At certain regroupement sites, the small farmers can freely go and cultivate their fields and their children attend the local schools. Elsewhere, the precarious security conditions impede people's movements, and the magnitude of the destruction caused to surrounding infrastructures deprives them of the health care their condition requires and prevents their children from attending school. Typhus epidemics were reported last May in two camps in Kayanza province. While there can be no doubt that the people regrouped at sites have to a large extent been sheltered from the attacks provoked by rebels and the army sweeps of the collines, they have sometimes been used as targets and subjected to reprisals in or around the camps both by the rebels and by the army, when the former or the latter considered that they were colluding with the other side. In many cases, civilians have lost their lives, while others have lost their homes and everything they possessed, either through fire or as a result of looting.

59. Even though he has heard allegations of massacres said to have taken place in some regroupement camps, the Special Rapporteur believes it would be incorrect to assert that the policy of regroupement pursued by the authorities is aimed specifically at perpetrating massacres or systematically exterminating certain components of the population of Burundi.

B. The human rights situation

60. Without seeking to be exhaustive in the present interim report, the Special Rapporteur would nevertheless like to bring to the attention of the General Assembly a number of allegations of human rights violations transmitted to him during the period under consideration, particularly as regards the right to life and physical integrity, arrests and arbitrary detentions and torture or cruel, inhuman or degrading treatment.

1. Violations of the right to life and physical integrity

61. At dawn on 30 April 1997, large numbers of rebels reportedly attacked the small seminary at Buta, breaking into the pupils' dormitories. Some 40 of them are said to have been massacred, while 26 others were wounded. One soldier and a night watchman were also allegedly killed during the incident. According to information which reached the Special Rapporteur, the attackers were armed with knives, machetes, clubs, rifles, machine-guns, mortars and grenades. Several groups of assailants reportedly killed the pupils who refused to divide into ethnic groups. They also allegedly looted the dormitories, stripped the bodies and set fire to the building. The priests who were on the scene are said to have been saved thanks to the intervention of soldiers stationed inside the seminary.

62. On 11 May 1997, during an incident involving a clash between soldiers and civilians, at least 15 people, most of them women and children, were reportedly shot down on Nyamaboko colline, Kanyoshu commune, Rural Bujumbura province, while they were trying to escape. According to some information, this colline was again attacked by several hundred soldiers firing bullets and shells on 27 May 1997. The following day, returning to the scene, they allegedly bayoneted about 100 people to death, looted houses and stole cattle. Some of the inhabitants who had tried to escape to the nearby Kibazo and Musagaka collines were also reportedly massacred by soldiers stationed at those places. Other scenes of looting and destruction of houses are said to have been reported.

63. On 15 May 1997, 45 civilians were allegedly surprised and killed by soldiers in the Pentecostal Church at Mugendo, Rural Bujumbura province, while 3 other people were wounded. Some accounts indicate that soldiers had come to set up a position in a neighbouring church before massacring the people who were praying in the other church.

64. During the night of 18-19 May 1997, groups of rebels reportedly attacked, inter alia with machetes, knives, grenades and firearms, three sites housing disaster victims at Murwi, Ndava and Kigazi in Cibitoke province. At Ndava, 19 people were reportedly killed and 11 others wounded, while 39 civilians and one soldier were allegedly killed and 36 persons were wounded at Murwi. At least a dozen maisonettes are said to have been destroyed at Ndava. Following the intervention of soldiers stationed there, 11 rebels reportedly lost their lives and several were wounded.

65. On 24 May 1997, in the course of an attack by soldiers from the positions at Remba, Cinkona and Gitezi on Nyambuye colline, Isari commune, Rural Bujumbura province, dozens of civilians who were fleeing towards the Tahangua valley, are said to have been bayoneted to death.

66. On 6 June 1997, following clashes with rebels a few days before, soldiers from the Mugindo position allegedly shot to death 17 people from Magara colline, Muhutu commune, in Rural Bujumbura province, as they were emerging from their hiding places and returning home once calm had returned.

67. On the night of 6-7 June 1997, a very large number of rebels reportedly attacked the Mitakataka regroupement camp at Bubanza commune in the province of the same name, set fire to houses and above all took away with them some 200 persons. The following day they allegedly returned to the scene, where they are said to have killed one civilian and one soldier. According to some reports, it was the following morning that the soldiers intervened, when the attackers had already slipped away. Meanwhile the attacked camp had completely emptied of its inhabitants and many shelters had been burned.

68. On 11 July 1997, at Gasenyi market in the Kamenge district of Bujumbura, soldiers from the Camp Johnson and Abagera positions, in the belief that they were being attacked by rebels, reportedly killed six persons and wounded two others by firing in the direction of the market. According to other reports, the attacks were rather the work of rebel groups who had allegedly come to the market with the intention of stealing. The soldiers from Nyabagera position are said to have intervened, and the incident reportedly ended in several deaths.

69. On the night of 12-13 July 1997, a woman and her three children reportedly died as a result of an attack by rebels and bandits wearing camouflage clothing during which the door of their home on Kabezi colline, in the commune of the same name, Rural Bujumbura province, was allegedly smashed down. After looting the house, the rebels reportedly also killed an old couple and elderly person not far from there, on Kinama colline and at Tyazo.

70. On 17 July 1997, six persons reportedly lost their lives at Ramba, and on the following day, four at Mena, two locations forming part of Kabezi commune in Rural Bujumbura province, as a result of reprisals conducted by the Kabezi gendarmes after an attack by rebels the same day which led to the death of seven persons. On 14 July, these same gendarmes allegedly returned and killed traders proceeding to the market near Mena, and then set fire to about 40 houses. Inhabitants reportedly sought refuge in other places such as Mubune, Ruziba and Kimina. The following day, gendarmes are said to have killed two deputies to a sector chief, early in the morning on the road leading to Mena.

2. Arbitrary arrest and detention

71. On 16 May 1997, a number of young men were allegedly arrested by the military in the Buyenzi district of Bujumbura and taken to the public security police for an identity check. Several of them were reportedly released following interrogation and payment of a fine, while the rest were taken by truck back to their home provinces of Gitega and Kayanza.

72. At the beginning of June 1997, 13 persons claiming to be former FRODEBU militants and suspected of involvement in the 1993 massacres were reportedly arrested on the collines of Makebuko and Bukirasazi communes, Gitega province, and taken to the unit at Mwanzari, where they were ill-treated. After several days there, they are said to have been transferred to Gitega prison.

73. On 19 June 1997, 12 schoolchildren were allegedly arrested by law and order forces for failure to produce their identity cards: they continue to be held at the Kamenge camp of the Third Rapid Deployment Battalion, in Bujumbura.

According to information received by the Special Rapporteur, three of these schoolchildren were subjected to ill-treatment. A gendarme reportedly beat one of the four girls in the group, using a rifle butt; another girl is said to have been confined to bed for some time.

3. Torture and cruel, inhuman or degrading treatment

74. Several persons are said to have been arrested by the military between 16 and 25 April, and to have been detained at the Kamenge camp of the Third Rapid Deployment Battalion, in Bujumbura. The Special Rapporteur has received reports that some detainees are being ill-treated, have wounds on their arms and backs, have difficulty walking and occasionally have bloodstains on their clothes. Others suffering from malaria are said to have been denied the treatment they needed. Former detainees have testified to beatings of fellow prisoners with rifle butts, stones or sticks. Prisoners were reportedly given electric shocks, using an electric device with a crank attached. Several people are said to have died as a result of this ill-treatment, and fellow prisoners reportedly had to bury them in a pit close to the camp.

III. OBSERVATIONS

75. Despite efforts by certain sections of the Government and the country's elite to "de-ethnicize" the conflicts within Burundi society, the ethnic issue is sewn into the very fabric of political and social life, and is reflected in the ranks of Government and all echelons of the civil service. The ethnic dimension holds sway over both the Burundi army and the rebels, and the capital and provincial capitals also reflect the concentration of one ethnic group, as the Special Rapporteur had already noted in his first report to the Commission on Human Rights.[6]

76. However, the ethnic division aspect which characterizes Burundian society should not obscure the fact that clashes between the military and rebels in rural areas are often the result of an underlying conflict between a privileged urban minority and a largely minority small farmer class, which is mostly Hutu in origin, but includes some Tutsis as well. It is useful to recall that this rural population lives in the collines and is spread throughout the country.

77. As a result of the State's agricultural policy, based on coffee cultivation, small farmers were turned into second class citizens, forced to obey orders from on high, without ever being represented in any consultative or decision-making body. The ultimate expression of this form of discrimination can be found in the Burundi authorities' "villagization" policy and the regroupement camps begun in 1996. Small farmers were forced to leave their land, to move a long way away from cultivated plots and banana plantations, and to accept more onerous water and wood collection tasks, without benefiting in return from a social infrastructure that would mitigate the destructive effects of disrupting the production process.[7]

78. The gap referred to above has continued to widen, given that access to the channels capable, since independence and particularly after the failed

democratization process of 1993, of creating an ethnic mix among the elite, has been blocked. It is not surprising, therefore, that the majority of the small farmer population views the current conflict as a struggle between urban elites, with Bujumbura as its main theatre.

79. What might be termed the "colline culture" has exacerbated the tendency of the urban elites to tighten their grip on the State apparatus and public sector jobs, leaving the majority of Burundians cut off from the centres of decision-making. As long as democratization efforts fail to provide wider access to power and to close the gap between urban and colline society, rigid hierarchization of Burundian society will persist. Burundi is not the only country in the world where urban and rural societies are polarized as a result of a rigid social hierarchy and the concentration of income and all kinds of resources. Many societies in Latin America are facing the same kinds of problems.

80. Smallholders, particularly women and young people, have very few opportunities to make their voice heard. It is not surprising, then, that they resort to violence or that they collaborate with rebel groups. Moreover, these are the people who suffer most from the destructive consequences of compulsory regroupement, against which they have no democratic recourse. However laudable the public awareness campaigns seeking to explain this policy, they always come from on high and are the product of the urban elites.

81. Consequently, according to various accounts given to the Special Rapporteur, Burundian peasant farmers have a strong feeling of isolation, are afraid to leave their villages or to contact regional and national political, economic and administrative structures, which they do not understand. The civil war exacerbates these feelings and is hastening the breakdown of social cohesion, which had already been severely weakened since independence.

82. With regard to the regroupement policy, even taking account of present social realities and the various circumstances which led to the opening of the camps, the Special Rapporteur remains of the view, as stated in his previous report, that regroupement offers very few advantages in terms of security. The policy adds to the suffering of the populations concerned notwithstanding the original objectives of the Burundi authorities, and leads to serious violations of human rights and humanitarian law.

83. Article 17 of Protocol II of 1997 to the Geneva Conventions of 1949 prohibits the forced displacement of populations during internal conflicts. Unfortunately, two exceptions are provided to this rule. In the first case, as a State Party to the Geneva Convention and the two additional Protocols, Burundi must prove that the regroupement is voluntary and is not connected with the conflict. In the second case, the regroupement must be judged as indispensable for the security of the civilians involved or for imperative military reasons. The Government must therefore prove that its reasons are military and not political. However, if the Government decides that the displacements have to be carried out, all possible measures have to be taken, according to the article in question, in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition. As

the Special Rapporteur has indicated above, the conditions of shelter and survival in the regroupement camps vary considerably from region to region.

84. In view of this, the Special Rapporteur wonders whether the Government has a real reassimilation policy. If this is not the case, the international community would be entitled to ask how far the continued use of regroupement policy is adding to the burden of humanitarian assistance. The Special Rapporteur fears that this policy will ultimately weaken the populations in the camps and make them more vulnerable, since the army has insufficient resources to offer civilians permanent protection.

85. The Special Rapporteur wishes to stress that only a peaceful negotiated settlement involving all parties to the conflict can offer an appropriate framework for resolving the crisis which is still in the country. Developments since the appearance of his last report to the Commission on Human Rights seem to confirm that ongoing clashes between the Burundi army and rebel forces will only increase and prolong the sufferings of the Burundi population.

86. The Special Rapporteur reiterates his deep concern and dismay at the announcement of the hanging, in Bujumbura, on 31 July 1997, of six persons who had been condemned to death. These persons had appealed for a pardon, but were denied the judicial guarantees to which they had a right, whatever crimes they are supposed to have committed: specifically, the assistance of counsel and of a lawyer during their trial.

87. The Special Rapporteur commends the decision of UNDP to provide $1.8 million in assistance to the Ministry of Reintegration and Resettlement of repatriated, displaced or regrouped refugees, as part of a project to help the Burundi Government fund aid programmes to allow various sections of these populations to return to their districts of origin.

88. The Special Rapporteur welcomes the appointment of a minister with special responsibility for the peace process, who should be able to help create the conditions for a ceasefire and for peace. However, he deplores the unexpected absence of representatives from the Burundian authorities at the Heads of States Summit at Arusha, United Republic of Tanzania, on 25 August. He believes that a unique opportunity was lost to assess the most recent developments in the Burundian crisis and the effects of sanctions, which weigh very heavily on the most vulnerable and least protected elements of the Burundian population. He therefore hopes that the recommendations made at the Fifth Regional Summit on the Burundi conflict[4] will allow all parties involved in the Burundian conflict to take a decisive step towards peace and reconciliation.

IV. RECOMMENDATIONS

89. In submitting the present report to the General Assembly, the Special Rapporteur hopes to draw attention to certain recommendations relating to recent developments in Burundi, which also recall some of the recommendations in his last report to the Committee on Human Rights, in order to underscore the recurrent themes in the Burundian crisis.

A. Action at the national level

90. Although his previous requests have remained unanswered, the Special Rapporteur is still waiting for the existing Government to carry out an independent, neutral, objective and complete investigation into the exact circumstances of the murder of three delegates of the International Committee of the Red Cross on 4 June 1996, near Mugina, Cibitoke province, to establish clearly who was responsible, and to publish the results without further delay. The Special Rapporteur will not be satisfied unless those responsible for this heinous crime are prosecuted and appropriately punished. He also awaits accurate information from the Burundian authorities on the circumstances surrounding the tragic murder of the Archbishop of Gitega, Mgr. Ruhuna, on 9 September 1996, and of the two nuns accompanying him, and asks that those responsible for these crimes be found and arrested without delay.

91. Having received no response to the request he made in his previous report, the Special Rapporteur reiterates the urgent request he made to the existing Government to provide, as promised earlier by Major Buyoya, the results of the investigation into allegations of the expulsion manu militari of 392 Burundian refugees in Rwanda to Cibitoke province, on 30 September 1996, by soldiers of the Rwandan Patriotic Front, at a time when numerous violations of human rights were being reported in that region. The joint appeal on their behalf by the Special Rapporteur and the Special Rapporteur on extrajudicial, summary and arbitrary executions, of 24 October 1996, has received no reply from the Burundian authorities.

92. The Special Rapporteur requests the Burundian authorities to carry out an impartial investigation into the attack committed by rebel elements on the small seminary at Buta, in Bururi province, at dawn on 30 April 1997, so that those responsible for the massacre of some 40 students and 7 members of the staff of the educational institution are prosecuted and brought to justice.

93. The Special Rapporteur requests the Burundian authorities to open an investigation into the death of Colonel Pascal Ntako, who died on 15 May in Muyinga prison, after having been accused of participating in a plot to assassinate Major Buyoya, and who was denied drugs for the treatment of his diabetes.

94. The Special Rapporteur urges the implementation of the reforms which he proposed in his previous reports concerning the reconstruction of the country's judicial apparatus and the formulation of adequate strategies for putting an end to impunity; the reorganization of the functions of the army and security forces along quite separate lines; and unimpeded access by the majority of the people, who are currently excluded from the country's elite, to the major State institutions such as education, justice and the army.

95. The Special Rapporteur reiterates his solemn and urgent appeal to the Burundian authorities to defer the 38 death sentences and 19 sentences of life imprisonment handed down during the February-March, April-May and July-August sessions of the criminal chambers, as well as the previous 133 death sentences and 54 sentences of life imprisonment, at least until the peace negotiations have been completed and a reformed judicial system, capable of playing its role

with complete independence and impartiality, has been established. Until the minimal conditions of a State ruled by law have been established, the execution of capital sentences will neither contribute to national reconciliation nor assure the families and friends of the condemned and of the victims that justice has been done.

96. The Special Rapporteur therefore once again urgently draws the attention of the existing Government to the need for respect for articles 10 and 11 of the Universal Declaration of Human Rights, which stipulate that every accused person is entitled to a fair trial, including the right to be guaranteed legal assistance for his defence. He reminds it that it is its duty, as a State Party to the International Covenant on Civil and Political Rights, to comply with articles 6 (para. 2), 14 and 15, which stipulate that sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of commission of the crime, following a fair trial, and to pay all necessary attention to United Nations resolutions establishing guarantees for the protection of the rights of persons liable to the death penalty.

97. The Special Rapporteur urgently appeals to the Burundian authorities to suspend the opening of new regroupement camps and to take appropriate measures without delay to enable the population gathered in those camps to return to their homes without hindrance.

98. The Special Rapporteur requests the Burundian authorities to protect the physical security of those regrouped, to refrain from using constraints against them, to ensure that they are treated with humanity and respect, and to prevent them from being subjected to enforced or involuntary disappearances, arbitrary detention or extrajudicial or summary execution. He also requests them to prosecute and bring to justice without delay the perpetrators of such acts.

99. The Special Rapporteur strongly encourages the Burundian authorities to undertake independent investigations into all allegations of violations of human rights committed during the process of regroupement, in particular into cases brought to light to date by the United Nations human rights observers. In this connection, he deems it essential that the Government should afford the observers all the freedom of movement they need to have access to all the regroupement camps and displaced persons camps and to investigate, with full independence, the alleged incidents reported to them. The Special Rapporteur wishes to commend the willingness repeatedly expressed by the Burundian authorities to accept a considerable increase in the number of observers in Burundi over the 35 initially set by the United Nations High Commissioner for Human Rights, as well as the spirit of collaboration shown by those authorities towards the Human Rights Observer Mission.

100. The Special Rapporteur urgently requests the Burundian authorities to ensure that respect for human rights is at the heart of the peace talks and of any settlement relating thereto.

101. The Special Rapporteur reiterates that rebel groups must see to it that their armed forces fully respect the principles of international humanitarian law and, in particular, article 3 common to the Geneva Conventions. He draws

their attention, in particular, to the provisions relating to the physical security of the civilian population, non-combatants and prisoners.

102. The Special Rapporteur therefore appeals to the rebel groups to refrain from perpetrating attacks against civilians both within and outside the regroupement camps or displaced persons camps and to give instructions to that effect to their men.

B. Action at the international level

103. The Special Rapporteur urges that the economic sanctions should be eased as soon as the Government of Burundi provides tangible proof that it is committed to effective negotiations with a view to achieving peace and national reconciliation.

104. The Special Rapporteur urgently appeals to the Burundian authorities to participate of their own free will in the next peace talks meeting and to refrain from any step which might delay the peace process which has been initiated.

105. With regard to the policy of regroupement pursued by the Burundian authorities, the Special Rapporteur believes that it is not for the international community to support the regroupement of the population along the main road routes, but rather to help them to reach their homes, despite the military criteria invoked by the authorities to justify their policy.

106. The Special Rapporteur therefore appeals to the international community to adopt a clear position firmly linking the question of humanitarian aid to the regrouped population to an explicit undertaking and a specific plan on the part of the Burundian authorities to introduce a policy for the proper reintegration of that population. The international community must also support reintegration strategies which promote the reconstruction of housing in the places of origin of the population, provided that those strategies form part of a well-planned effort on the part of the authorities.

107. From this standpoint, the Special Rapporteur is convinced that the programmes of the United Nations agencies should continue their support for the local communities through revenue-generating activities, increased participation of women in the economic and social life of their communities, and increased food security. Such support should, inter alia, be extended by activities which promote a spirit of tolerance with a view to national reconciliation and the emergence of a culture of peace within Burundian society, as was done with remarkable persistence and perseverance by the United Nations Centre for Human Rights at Bujumbura.

108. The Special Rapporteur welcomes the establishment of the legal assistance programme under the auspices of the High Commissioner, with the participation of the Burundian Bar and authorities, the main purpose of which is to assist those suspected of participation in the attempted putsch which led to the death of President Ndadaye. He recommends that the programme should be pursued

assiduously and expanded to remedy the deficiencies in the Burundi judicial system and eradicate impunity in the country once peace has been restored.

109. As he stated in his previous report to the Commission on Human Rights, the Special Rapporteur requests an immediate embargo on the sale of arms to Burundi. Such an embargo should be directed at both the existing Government and the rebel forces to prevent all arms flows towards the parties to the conflict in Burundi. Moreover, the Special Rapporteur would like very strong measures to be taken against those who ordered the crimes and those benefiting from the arms traffic. He requests that their bank accounts abroad should be frozen, fellowships withheld from the members of their families and visas for travel abroad refused them.

110. States Members of the United Nations should be encouraged to take legal measures against their citizens who are involved in the arms traffic, in violation of the embargo declared by the United Nations, even when such individuals are operating in a third country. If national legislation does not contain the provisions required to punish such offences, the Governments of the Great Lakes region should be strongly urged to enact internal legislation for the prosecution of those responsible for such offences. Priority should be given to preventing, by all available means, any unsupervised distribution of arms shipments in the Great Lakes region, in order to avoid a disastrous escalation of violations of human rights and international humanitarian law (see E/CN.4/1997/12, para. 113).

Notes

[1] E/CN.4/1997/12/Add.1 and Corr.1.

[2] Libre Belgique, 15 May 1997.

[3] S/1997/547.

[4] See S/1997/687.

[5] E/CN.4/1997/12 and Corr.1.

[6] E/CN.4/1996/16, paras. 130 and 131. The comments of Mr. Ryk Samyn of the National Centrum voor Ontwikkelingssamenwerking in Brussels were particularly useful with respect to this aspect of the Burundian crisis. See also the report of the African Centre for the Constructive Resolution of Disputes, 1996, and Hubert Cochet, "Burundi, la paysannerie dans la tourmente. Eléments sur les origines du conflit ethnico-politique", Série Dossier pour un débat, No. 60, Paris, Librairie FPH, 1996.

[7] Cochet, op. cit., passim.

Appendix

Internally displaced persons

Province	Total population	Number of sites	Site population	Percentage of total population
Bubanza	250 210	22	65 184	26
Bujumbura[a]	660 498	35	35 338	5
Bururi	435 240	16	44 564	10
Cankuzo	157 535	4	3 254	2
Cibitoke	313 137	13	57 428	18
Gitega	625 017	15	20 997	3
Karuzi	334 213	25	125 262	37
Kayanza	491 506	21	109 523	22
Kirundo	448 195	16	20 072	5
Makamba	266 732	10	13 812	5
Muramvya	487 736	23	46 017	10
Muyinga	427 119	30	35 852	8
Ngozi	535 978	14	21 530	4
Rutana	219 360	3	3 977	2
Ruyigi	281 524	12	4 118	2
Total	5 934 000[b]	259	606 938[c]	10

Source: Department of Humanitarian Affairs Integrated Regional Information Network, 4 June 1997.

[a] Including Rural Bujumbura and Mairie de Bujumbura.

[b] Total population figures according to the 1990 census.

[c] This total comprises displaced, repatriated and regrouped persons. Of the total, some 275,846 are living in regroupment camps.

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Internally displaced persons

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report prepared by the representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, in accordance with Commission on Human Rights resolution 1995/57 of 3 March 1995 and Economic and Social Council decision 1995/273 of 25 July 1995.

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Annex

Report on internally displaced persons, prepared by the representative of the Secretary-General, in accordance with Commission on Human Rights resolution 1995/57 and Economic and Social Council decision 1995/273

Contents

		Paragraphs	Page
I.	Introduction	1–2	3
II.	The normative framework	3–11	3
III.	The institutional framework	12–28	4
IV.	Country visits	29–41	7
V.	The challenges ahead	42–48	10

I. Introduction

1. The phenomenon of internal displacement, affecting at least 25 million people, continues to pose one of the greatest and most pressing challenges to the international community. In response to that challenge, the Secretary-General, at the request of the Commission on Human Rights, appointed a representative on internally displaced persons in 1992. The Commission extended the representative's mandate for another two years in 1993 and for three additional years in 1995.

2. The representative's role may be described as one of a catalyst, serving both to raise awareness of the plight of the internally displaced and to stimulate effective action on their behalf. In performing that function, his mandate has crystallized into three main areas of work: (a) the development of an appropriate normative framework for meeting the protection and assistance needs of the internally displaced; (b) the promotion of effective institutional arrangements for meeting those needs; (c) focusing, through country visits, on specific situations of internal displacement that the representative, through dialogue with the Government and other actors concerned, aims to ensure are effectively addressed. Following from his report to the General Assembly at its fifty-first session (A/51/483 and Add.1 and 2), the present report provides an overview of the work accomplished in the three areas of the mandate and identifies the major challenges ahead.

II. The normative framework

3. The extent to which existing legal norms address the needs of internally displaced persons has been a subject of study by the representative since the inception of his mandate. After several years of intensive work in collaboration with a team of international legal experts, the representative submitted to the Commission at its fifty-first session a compilation and analysis of legal norms pertaining to internally displaced persons (E/CN.4/1996/52/Add.2). In the study he examined relevant provisions of human rights law, humanitarian law and, by analogy, refugee law to determine the extent to which they covered the protection and assistance needs of the internally displaced. He concluded that while existing law covered many aspects of particular relevance to internally displaced persons, there nonetheless were significant areas in which the law failed to provide adequate protection. Weaknesses related, for instance, to the need for an expressed right not to be unlawfully displaced, to have access to protection and assistance during displacement and to enjoy a secure return and reintegration.

4. The General Assembly, in its resolution 50/195 of 22 December 1995, called upon the Commission to consider the question of establishing, on the basis of the compilation, an appropriate normative framework for the protection of internally displaced persons, to which the Commission responded by assigning, in its resolution 1996/52 of 19 April 1996, that task to the representative. In the view of the representative, as pointed out in previous reports to the General Assembly and the Commission, there is a need for a restatement of relevant existing law and a clarification of its provisions in a single body of principles. Consolidating in one place the numerous relevant norms that are at present too dispersed and diffuse to be effective would serve several useful purposes. For example, it would call attention to the need for the better implementation of existing norms. In that way, the document would prove valuable to the work of Governments, international organizations and non-governmental organizations in promoting and protecting the rights of the internally displaced. Moreover, it would serve the educational purpose of increasing international awareness of the plight of internally displaced persons and of the need for further measures to address it effectively.

5. Accordingly, the representative, in collaboration with a team of experts in international law, is finalizing a draft body of guiding principles pertaining to situations of internal displacement. The principles mark the first attempt to articulate the meaning and nature of protection specifically for the internally displaced. A meeting of legal experts held at Geneva in June 1996 began drafting the guiding principles under the direction of the representative. The principles were further developed at a subsequent meeting, held in October 1996, at which representatives of United Nations agencies and non-governmental organizations also participated, and at a third legal round-table discussion in April 1997. A final meeting, to be hosted by the Government of Austria in January 1998, will bring together legal experts from the various geographic regions as well as representatives of United Nations agencies, regional organizations and non-governmental organizations to discuss the guiding principles and their applicability before being forwarded by the representative to the Commission at its fifty-fourth session.

6. At the same session, the representative will also transmit to the Commission a report reviewing the content and limitations of the law relating to the right not to be arbitrarily displaced. The need to address prevention prompted that inquiry into the extent to which existing law provided protection against arbitrary displacement. The

study found that there were few explicit international legal norms that protected people against individual or collective eviction and displacement or transfer from one region to another within their own country. Although an express prohibition of arbitrary displacement is contained in international humanitarian law (Geneva Conventions and Additional Protocols) and in the law relating to indigenous peoples, in human rights law, by contrast, the prohibition is only implicit in various provisions, particularly in the rights to freedom of movement, choice of residence and housing, and freedom from arbitrary interference with one's home. The various relevant legal norms, when considered together, can be said to point to a general rule according to which forced displacement may be undertaken only exceptionally, in the specific circumstances provided for in international law, and should last no longer than is absolutely required by the exigencies of the situation. Even then, it may not be effected on a discriminatory basis nor imposed arbitrarily.

7. The findings of the study, together with the compilation, provide the basis for a body of guiding principles that will be comprehensive in scope, providing protection in all three phases of internal displacement: prior to displacement, during displacement and during the process of return and reintegration.

8. The principles should apply to Governments and to non-State actors although promoting adherence to the principles by non-State actors will present particular challenges. The principles should contribute over time to the creation of the moral and political climate necessary for improved protection of the internally displaced.

9. The guiding principles should also be useful as a basis for monitoring the conditions of the internally displaced and as a yardstick against which to measure their treatment. For the representative, the compilation already serves as a useful reference point for monitoring situations of displacement, assessing the needs of the displaced and the degree to which they are being met, communicating with Governments and other actors in the countries concerned and mobilizing responses among international agencies, regional organizations and non-governmental organizations.

10. For international agencies and non-governmental organizations, the guiding principles will serve as a practical guide for their involvement with displaced populations. It is noteworthy that the Office of the United Nations High Commissioner for Refugees (UNHCR) has used the legal analysis undertaken by the representative to develop a reference manual for the use of its staff, as a means of providing them with guidance on the human rights and humanitarian standards applicable to internally displaced persons. It is to be hoped that other international agencies and non-governmental organizations will follow its example. Advocacy efforts of internally displaced persons themselves also stand to benefit from a clear and comprehensive statement of their rights. For Governments, meanwhile, the principles as well as the compilation that preceded them will serve as reminders of their obligations under existing international law as well as useful points of reference when drafting legislation pertinent to the internally displaced.

11. Wide acceptance and dissemination of the guiding principles is critical to encouraging their use by relevant actors at all levels. The Commission, in its resolution 1996/52, called for the wide dissemination of the compilation. It is the hope of the representative that the guiding principles will be made widely available as well.

III. The institutional framework

12. As was the case with the study of the normative framework, the representative's analysis and evaluation of existing institutional arrangements relevant to the internally displaced has revealed serious gaps. Previous reports of the representative have underlined the fact that there is a lack of institutional responsibility for the internally displaced, leading to the ad hoc provision of protection, assistance and reintegration and development support. The Secretary-General highlighted this institutional lacuna in his programme for reform of July 1997 (A/51/950, para. 186) by citing the challenge of providing protection and assistance to internally displaced persons as an example of a humanitarian issue that falls between the gaps in the existing mandates of the different agencies. As a result of that gap in the United Nations system, insufficient and inconsistent attention has been paid by the international community to the problem of internal displacement.

13. As regards coordination arrangements at the field level, it is the prerogative of the Inter-Agency Standing Committee, under the leadership of the Emergency Relief Coordinator, to decide on humanitarian coordination arrangements in a country or region. Under the programme for reform, one of the core functions of the Emergency Relief Coordinator is to ensure that humanitarian issues, including those which fall between the gaps of existing mandates of agencies, such as protection and assistance of internally displaced persons are addressed. That arrangement suggests a continuation of the collaborative approach that has guided the international response to the problem of internal displacement to date. Rather than creating a new institution or conferring upon an existing one full

responsibility for the internally displaced, inter-agency coordination remains the preferred option. It is perhaps the most realistic framework through which to proceed, given that the varied and extensive needs of the internally displaced for emergency assistance, protection and reintegration support exceed the capacity, mandate and expertise of any one organization.

14. At the same time, the Secretary-General, in his programme for reform, recognized the possibility of designating a lead agency in the field (para. 192). When a lead agency is selected, it is important that consideration be paid to the specific needs of the internally displaced and other affected populations as determining factors in allocating responsibility. If, for example, protection needs are paramount, bodies such as UNHCR, together with the Office of the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross (ICRC), could play a principal role when it falls within their mandate.[a] When material or development needs are the central concern, responsibility for coordination could be conferred upon the World Food Programme, the United Nations Children's Fund (UNICEF) or the United Nations Development Programme (UNDP). Regardless of the organization selected, such designation would confer on it overall, though not exclusive, responsibility for the humanitarian response. The lead agency therefore would still rely on collaborative efforts among all of the relevant agencies and seek to integrate into a comprehensive approach the work of the humanitarian, human rights and development regimes.

15. Although in the past few years progress has been made in developing collaborative relationships among the wide variety of institutional actors relevant to the internally displaced, they do not yet constitute the comprehensive response that is required. One promising step, previously highlighted by the representative, is the increasing exchange among agencies of memoranda of understanding that have the effect of dividing responsibility according to institutional expertise for specific tasks with respect to the internally displaced (E/CN.4/1997/43, para. 11). Nevertheless, in many humanitarian emergencies, the needs of the internally displaced are neglected because no locus of responsibility for them is identified.

16. The representative has found, in the course of studying the international response to several country situations, that conferring upon a particular agency primary responsibility for internally displaced persons, as occurred in Tajikistan and the former Yugoslavia, can result in greater attention being paid to their needs.[a] [b] In cases such as Burundi, Liberia and Rwanda, where no locus of responsibility was established for the internally displaced, their protection and assistance needs were less adequately addressed. Accordingly, it would seem appropriate that in each complex emergency, one operational entity should be charged with assessing and monitoring the protection and assistance needs of the internally displaced, raising awareness of their plight, mobilizing support from other agencies for addressing their needs and developing strategies towards that end. That role could be played by a lead agency or, in situations where no lead has been designated, by an appropriate operational agency on the ground. Ensuring that the agency receives the support of other agencies should be the responsibility of the resident coordinator, in the absence of which the principal agency for internally displaced persons itself could assume the coordinating function.

17. Ongoing human rights monitoring is critical to addressing the protection problems of the internally displaced, as well as to creating conditions that encourage their return and reintegration. To ensure that the coordinated response covers protection as well as assistance concerns, the Office of the United Nations High Commissioner for Human Rights should be requested to establish a human rights field presence where such presence does not already exist.

18. The United Nations High Commissioner for Human Rights has declared a readiness to contribute to efforts aimed at providing internally displaced persons with protection on the ground and has outlined a programme of action emphasizing the importance of ensuring a human rights field presence in displacement crises.[c] Such human rights presence can be introduced either as a field monitoring mission or through the High Commissioner's advisory services and technical assistance programme for promoting human rights protection. Both forms of human rights field presence can make important contributions towards addressing the protection needs of the internally displaced. Based on recent experience, it is apparent that the capacity of human rights field monitoring missions needs to be strengthened and their protection role in relation to internally displaced persons made more comprehensive, to cover not only return and reintegration but also protection during displacement, particularly in camp situations. Furthermore, the Commission, at its fifty-second session (resolution 1996/52), called upon the High Commissioner to develop projects, in cooperation with Governments, international organizations and the representative, specifically aimed at promoting the rights of internally displaced persons as part of the programme of advisory services and technical cooperation. The Office of the High Commissioner needs to extend the activities of both mechanisms in order to cover

a larger number of situations of internal displacement. As that will require additional resources, the capacity of the United Nations human rights mechanisms will need to be strengthened so that they can play a more active role in ensuring that the protection concerns of internally displaced persons are addressed at the field level.

19. When human rights mechanisms are absent from the field, the task of ensuring that protection concerns are known and addressed falls on other actors. ICRC and UNHCR routinely undertake protection functions in accordance with their mandates, but they are not present in all situations. Even when they are present, protection needs often are of a magnitude too great to be met by those agencies alone. Relief and development agencies also need to address the protection needs of the internally displaced. Although they may lack the mandate and expertise to engage directly in protecting physical safety and human rights, they nonetheless can make important contributions in the area of protection, particularly by integrating protection concerns into the design of their programmes and by acting as advocates, calling the attention of both the authorities and the international community to the needs of the internally displaced.

20. Effective international response to situations of internal displacement in a collaborative, comprehensive and coherent manner requires a stronger locus of responsibility for internally displaced persons at the headquarters level. In May 1997, as part of the review of the capacity of the United Nations system for humanitarian assistance, undertaken in accordance with Economic and Social Council resolution 1995/56 of 28 July 1995, the Inter-Agency Standing Committee recommended that the role of the Emergency Relief Coordinator with regard to the internally displaced entail a number of responsibilities: advocacy on assistance and protection, resource mobilization and identification of gaps in the international response, assignment of responsibilities among agencies, including camp management, information management and support to field operations, including the negotiation of humanitarian access. At an inter-agency meeting in September 1997 the information management component was specified as involving the establishment, in consultation with external institutions, of a database of global information on internally displaced persons. This information initiative is particularly welcome since at present there exists no office within the United Nations for systematically collecting and receiving information on internal displacement. The pool of information on the various dimensions of internal displacement that is required should include, as the representative advocated previously, pending situations and efforts at prevention, causes and manifestations of existing situations, the degree of access of displaced persons to basic services, their protection concerns, the capacity and willingness of Governments to address their needs and the response of the international community (E/CN.4/1995/50, paras. 98-99). In addition, particular attention should be paid to gender-specific concerns, including the number of female-headed households, single unaccompanied women and school-aged girls and their particular needs. The issuance of periodic situation reports based on such information would be valuable in ensuring that situations of internal displacement are not overlooked or forgotten by the international community.

21. The representative plans to work with the Emergency Relief Coordinator in promoting greater integration of international response to situations of internal displacement. In a 1996 letter of understanding, the representative and the Emergency Relief Coordinator, in addition to making a shared commitment to the development of an information-sharing system on internally displaced persons, provided for the formulation of joint strategies to ensure that the protection as well as assistance needs of internally displaced persons would be addressed. In particular, they envisioned the possibility that the Emergency Relief Coordinator might request the representative to visit particular countries in which the situation warranted such attention. The representative and Emergency Relief Coordinator also agreed to sponsor joint briefings to apprise delegates to the United Nations of important issues relating to internal displacement.

22. The representative will also cooperate with the Emergency Relief Coordinator to ensure that the Complex Emergency Training Initiative includes, either as part of its general programme or as a specific module, training on internally displaced persons covering the legal norms pertaining to the provision of protection and assistance to them and strategies for monitoring and reporting on their needs.

23. At its September 1997 meeting, the Inter-Agency Standing Committee Working Group recognized the need for greater attention to be given to internally displaced persons in the inter-agency process as a whole. Towards that end, an inter-agency forum on internally displaced persons was revived in a different form, with the Inter-Agency Standing Committee Working Group replacing the Inter-Agency Task Force on Internally Displaced Persons.

24. The inclusion of the representative as a standing member of the Inter-Agency Standing Committee and its Working Group should help to ensure that issues of internal

displacement are addressed in those forums. At its September 1997 meeting the Standing Committee decided to extend an invitation to the representative to participate in its meetings and those of its subsidiary bodies. Under the previous arrangement, the representative could be invited to meetings of the Standing Committee on an ad hoc basis, whenever issues relating to his mandate were on the agenda. Yet, the fact that internal displacement would almost inevitably be an element of any complex humanitarian emergency in which the Standing Committee would be involved warranted the representative's more consistent participation in that forum.

25. The participation of the representative in the meetings of the Inter-Agency Standing Committee and its subsidiary bodies should also help to draw attention to protection as well as assistance concerns and to promote a more comprehensive approach to those problems. To date, the meetings have focused primarily on assistance. Providing internally displaced persons with protection as well as assistance should be of equal concern, as the Secretary-General's programme for reform confirms. An encouraging move towards that end was the decision of the Standing Committee in 1997 to make the United Nations High Commissioner for Human Rights a regular participant in its meetings. At the same time, all of the members of the Standing Committee should have a role to play in enhancing protection.

26. A more effective integration of the concerns of the internally displaced in the inter-agency framework would be enhanced by strong leadership from the Emergency Relief Coordinator. The Inter-Agency Standing Committee equally will need to play a more active role in several respects: assessing the degree to which the needs of the internally displaced are being met by the United Nations system generally as well as in specific situations, calling upon other United Nations agencies to play strong supporting roles in the humanitarian effort, pressing for political action to resolve the crises that create humanitarian emergencies and drawing attention to situations that receive insufficient attention. The representative, for his part, is committed to working closely with the Emergency Relief Coordinator and the Standing Committee as they assume the leadership roles required for ensuring that a reformed United Nations system results in an improved international response to the problem of internal displacement. Towards that aim, he also remains eager to cooperate and to ensure complementarity of action with other United Nations and thematic representatives and special rapporteurs, in particular the Secretary-General's recently appointed representative on the impact of conflict on children.

27. The collaborative framework, however, must extend beyond the United Nations system and its international humanitarian partners to encompass regional organizations and non-governmental organizations as well. All of those sets of actors have expanded their roles with internally displaced persons over the past few years. Regional initiatives relevant to internally displaced persons in the Americas, Africa and Europe have been detailed in earlier reports of the representative. In his report to the General Assembly at its fifty-first session (A/51/483, paras. 7-8), he gave particular attention to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, held in Geneva on 30 and 31 May 1996. However, over a year after the Conference, it is clear that greater funding is needed in the follow-up phase to accelerate the implementation of its Programme of Action (A/51/341 and Corr.1, annex, appendix).

28. The important role played by local and international non-governmental organizations has also been detailed previously by the representative. (See, in particular, document E/CN.4/1995/50, paras. 228-242.) Attention needs to be drawn particularly to efforts by non-governmental organizations to develop worldwide statistics on internally displaced persons. The U.S. Committee for Refugees, for example, has expanded its *World Refugee Survey* to assess conditions affecting internally displaced persons. Another noteworthy initiative is the undertaking by the Norwegian Refugee Council of a global survey on internally displaced persons. The *Survey*, to be published annually beginning in the spring of 1998, will contain analyses of all country situations in which internally displaced persons are receiving or are in need of international protection or assistance, as well as of more wide-ranging regional and global trends. In addition, the project will produce a twice-yearly newsletter. As an important supplement to the survey, the project will maintain a Web site providing an on-line repository for information and documentation on internal displacement. In these ways, the survey project should make a valuable contribution by compiling and managing information on internally displaced persons as well as monitoring and reporting on the extent to which their needs are being met.

IV. Country visits

29. With the aim of ensuring that improvements in the normative and institutional frameworks are translated into practice, the country visits conducted by the representative

are among the most important features of his mandate. They enable the representative to focus attention on specific crises of internal displacement and, through solution-oriented dialogue with the Government concerned and in cooperation with the international agencies and non-governmental organizations present, to recommend corrective measures to be undertaken by the national authorities in cooperation with the international community. Country visits also advance the more universal purposes of furthering understanding of the problem of internal displacement in its various dimensions, such as its particular impact on women and children, as well as developing global and region-specific strategies towards its resolution.

30. Since his appointment, the representative has visited Burundi, Colombia, El Salvador, the former Yugoslavia, Mozambique, Peru, the Russian Federation, Rwanda, Somalia, Sri Lanka, the Sudan and Tajikistan, and presented his findings and recommendations in reports to the Commission on Human Rights and the General Assembly. Given that serious problems of internal displacement exist in more than 30 countries worldwide, there is considerable need to extend country visits as well as to pay follow-up visits.

31. In undertaking a mission, the representative, like other representatives and rapporteurs of the United Nations human rights mechanisms, acts upon an invitation from the national authorities in the country concerned. As a result, he has been unable to visit countries in which the Government refrains from accepting international cooperation in addressing the problem of internal displacement, even though it is often in those countries that the problem is particularly severe. Paradoxically, then, the countries upon which he has been able, through his visits, to focus attention are those with Governments that are more cooperative in acknowledging the situation of internal displacement in their country and the corresponding need to address it. Such is the case in the present report, in which the mention of specific countries stems from the fact that the representative has visited them, rather than from any suggestion that the situations in those countries warrant greater international scrutiny than those that the representative has not yet had the occasion to study first-hand. Even in countries where the representative has been able to conduct a mission, continued monitoring is essential to ensure that the cooperation demonstrated by the Government in inviting him to visit results in the undertaking of corrective measures. The need for follow-up is all the more critical since the situations of internal displacement in several of the States that the representative has visited require continued attention.

32. One important means of monitoring conditions is through an international human rights presence in the country. The United Nations human rights field mission in Burundi, for example, has drawn attention to internal displacement and has served to raise international concern about the forcible "regroupment" of Hutus. It could play an equally important role in ensuring that the return of those affected occurs under conditions of safety and dignity. Doing so, however, will require an augmented international presence. A similar need arises in Colombia, where internal displacement now reportedly affects some 1 million persons. The need for greater involvement on the part of the international community, underlined by the representative after his visit in June 1994, is even more pressing today, for both preventive and curative reasons (E/CN.4/1995/50/Add.1 and Add.1/Corr.1). The United Nations High Commissioner for Human Rights recently established a field office that to date has directed its efforts towards strengthening the framework for human rights protection at both the national and local levels, but that could also play a useful role in monitoring the situation of internally displaced persons and promoting conditions for their voluntary return. Meanwhile, more involvement by humanitarian and development organizations with the internally displaced, in particular by UNHCR, UNDP and UNICEF, would contribute significantly to addressing their multiple needs effectively.

33. The establishment of a greater international presence, especially in the form of a human rights field mission, was also a recommendation of the representative with respect to Tajikistan, pursuant to his mission in 1996 (A/51/483/Add.1, annex). The High Commissioner subsequently dispatched a human rights needs-assessment mission and is currently developing plans for addressing, in cooperation with the Government, human rights problems, including those specifically pertinent to displacement.

34. It is the hope of the representative not only that the international human rights presence will be enhanced in Burundi, Colombia and Tajikistan as well as in other countries with problems of internal displacement, but also that specific attention will be devoted to the particular plight of the internally displaced. A welcome development is the human rights monitoring mission established by the High Commissioner in Abkhazia, Georgia, with a mandate that explicitly includes facilitating the creation of conditions for the return of the estimated 275,000 persons internally displaced from the region. Although hopes continue to be frustrated that the recently resumed peace talks between the two warring parties will result in agreement on the return of the displaced, the attention given by the High Commissioner

to the specific needs of the internally displaced is encouraging.

35. Since it is Governments that bear primary responsibility for addressing the plight of the internally displaced, the strengthening of national institutions is also an essential element of efforts to address existing situations as well as to prevent future problems of internal displacement. In Peru, for instance, the Government reportedly has taken several concrete steps to ameliorate the situation of the internally displaced since the representative's visit in 1995. Those efforts have included the appointment of an ombudsman to investigate individual allegations of human rights abuse. In a meeting with the representative in Washington, D.C., earlier in 1997, the ombudsman reported that legislation had been adopted and a national campaign initiated to provide documentation to the internally displaced. With respect to the process of return, the repopulation support programme reportedly has received additional funding that has enabled it to undertake activities in more parts of the country, as the representative had urged after his visit (E/CN.4/1996/52/Add.1, paras. 104-106). At the same time, there remains a need for the programme to extend its activities beyond supporting strictly return to also aid reintegration efforts. Thus, while the Government has undertaken some important efforts to address the needs of the internally displaced, expansion of those efforts is needed, as is the effective and speedy implementation of the measures agreed upon during the representative's visit.

36. National institutions, however well-developed, will be constrained in their effectiveness by extensive and ongoing armed conflict. In Sri Lanka, notwithstanding the Government's willingness to provide the internally displaced with assistance, the resumption of large-scale hostilities in the north of the country since the representative's visit in 1993 has often frustrated those efforts. It has been reported by the U. S. Committee for Refugees that up to half of the displaced do not receive government assistance and that even for those who do, medical supplies often do not arrive in time or in sufficient quantities. Greater involvement on the part of international humanitarian organizations could be helpful in filling those gaps and strengthening national efforts to address the plight of the displaced.

37. In countries for which there is a lack of information on the extent to which the representative's recommendations are being carried out, a return visit could be particularly valuable. For instance, the world's largest internally displaced populations can be found in the Sudan, which the representative visited in 1992. The considerable protection and assistance needs of the internally displaced as well as the challenges of addressing them warrant continued attention.

38. In countries that the representative visits, it would be helpful if United Nations humanitarian and human rights agencies present on the ground would assist in monitoring the extent to which the recommendations are being implemented. In May 1997 the Inter-Agency Standing Committee recommended that resident coordinators report regularly to both the Emergency Relief Coordinator and the representative on the situation of the internally displaced. That reporting requirement could serve a useful follow-up function in the countries that the representative has already visited as well as a means of drawing attention to problems that United Nations agencies and the representative should address. It should be recalled that the 1996 letter of understanding between the representative and the Emergency Relief Coordinator provided for cooperation in monitoring situations of internal displacement and in providing follow-up to the representative's visits.

39. There also exist possibilities at the regional level to monitor situations of internal displacement. The Organization of African States, for instance, has appointed a rapporteur on internally displaced persons who could make a valuable contribution in assessing the extent to which countries in the region are carrying out protection and assistance measures for the internally displaced. The Permanent Consultation on Internal Displacement in the Americas has undertaken its own missions to Colombia and Guatemala, with the former visit occurring after that of the representative. Elsewhere, other regional bodies, for example the Organization of African Unity Commission of Twenty on Refugees, could similarly engage in activities that may further the process of follow-up.

40. Non-governmental organizations also can make a significant contribution to the follow-up process by assessing, on a regular basis, the needs of the internally displaced. As noted above, the planned annual global survey on internally displaced persons promises to be a particularly useful tool for monitoring, together with local non-governmental organizations, problems of internal displacement worldwide. Country missions undertaken by other non-governmental organizations, such as the U. S. Committee for Refugees or Human Rights Watch, increasingly have paid specific attention to the plight of the displaced and thus constitute another valuable source of follow-up information.

41. With respect to countries that the representative has not yet had the opportunity to study first-hand, it should be recalled that the General Assembly, in its resolution 50/195

of 22 December 1995, called upon all Governments to continue to facilitate the activities of the representative and encouraged them to give serious consideration to inviting him to visit their countries so as to enable him to study and analyse more fully the issues involved.

V. The challenges ahead

42. International awareness of the global crisis of internal displacement has increased significantly since the appointment of the representative in 1992. In his reports to the Commission and the General Assembly, the representative has provided information on the magnitude of internal displacement worldwide, has identified specific needs of the internally displaced for protection and assistance, including highlighting the particular problems faced by women and children, has assessed the extent to which those needs are being met under existing normative and institutional frameworks and has reported in detail on specific country situations that he, through his country visits, has studied first-hand. This deepened understanding of the problem of internal displacement and of the existing international normative and institutional frameworks through which it is addressed has significantly enhanced the prospects of effective response to the needs of the internally displaced.

43. An appropriate normative framework for providing protection and assistance to the internally displaced is being developed through the formulation of a body of guiding principles. The challenge will then become one of ensuring that those principles are promoted and translated into action through the efforts of Governments, international organizations, non-governmental organizations and internally displaced persons alike. This will require the wide dissemination of the principles among all actors with a role to play in their implementation and the training of international and national staff in the norms pertaining to internally displaced persons.

44. With respect to the institutional framework, the reform programme of the Secretary-General, which specifically stipulates that the protection and assistance needs of internally displaced persons must be addressed, should serve to focus greater attention on situations of internal displacement. In many instances, it may require that principal responsibility for the internally displaced be assigned to a specific operational agency in each complex emergency. Integrating international efforts on behalf of the internally displaced in the work of the Inter-Agency Standing Committee should considerably improve the effectiveness of the collaborative approach to the challenges of internal displacement in each crisis situation.

45. Since it is in the field that the reform programme will have to make a difference, operational agencies should be encouraged to forge collaborative relationships with respect to the displaced and lend support to agencies that assume principal responsibility. Evaluating the extent to which international, regional and national responses address specific crises of internal displacement will be essential both for ensuring that specific situations are effectively addressed and for furthering the development of strategies at the regional and global levels. This will require that in addition to general advocacy for improved response to the global crisis of internal displacement, the country-specific approach should now assume greater prominence than it did during the initial phase, which was largely oriented towards a generic study of the problem.

46. The representative, with support from the United Nations, Governments and foundations, undertook, at the request of the Secretary-General, a major research project on the various dimensions of both the problem of internal displacement and the responses to it in order to improve the international response. The study, with a foreword by the Secretary-General, will be published in the coming months in two volumes. The first, entitled *Masses in Flight: The Global Crisis of Internal Displacement*,[a] provides a global and regional overview of the problem of internal displacement, examines the legal framework for addressing it, details intergovernmental efforts at both the international and regional levels, and non-governmental efforts and offers strategies for improving the response at the global, regional, subregional, national and local levels during the various stages of displacement, covering prevention, protection and assistance in actual situations and the promotion of durable solutions. A companion volume of 10 case studies, covering Burundi, Rwanda, Liberia, the Sudan, the Caucasus, the former Yugoslavia, Sri Lanka, Tajikistan, Colombia and Peru, examines in detail the causes and characteristics of internal displacement in some of the countries where the problem is most acute, assesses the extent to which the needs of the affected populations are met in those situations and recommends measures to be taken towards that objective. The study aimed not only at furthering understanding of the problem of internal displacement, but also at fostering, through the implementation of specific strategies, a more comprehensive and effective response to the needs of the displaced. Towards that end, and particularly in the light of the present process of United Nations reform, the representative has already shared many of the study's

findings and recommendations with actors both within and outside the United Nations system.

47. The findings of the study will be summarized in the report of the representative to the Commission on Human Rights at its fifty-fourth session. In keeping with the main objective of both the study and the mandate to raise greater awareness of and generate improved responses to the problem of internal displacement, the study's findings will also need to be made more widely available. The representative, at the request of the Secretary-General, has commissioned a shorter, more popularized version of the study, to be illustrated with photographs of internally displaced persons from different parts of the world. This should serve not only to promote understanding of the plight of the internally displaced in general, but also to personalize the problem as one that tragically affects the lives of millions of individuals worldwide.

48. The major challenge ahead consists of ensuring that the enhanced normative and institutional frameworks for providing protection and assistance to internally displaced persons result in an improved response to the plight of the individuals who have been uprooted. A greater focus on specific situations of internal displacement is required to ensure that the improvements made in the international response to displacement at the legal and policy levels translate into more effective action on the ground. To be sure, there will remain a need for promoting the guiding principles that currently are being finalized and for fostering more collaborative institutional arrangements, at both the policy and field levels, to further their implementation. Indeed, monitoring situations of internal displacement and engaging in advocacy on behalf of the displaced will continue to require greater attention, expertise and involvement on the part of all the relevant agencies.

Notes

[a] The criteria for involvement of the Office of the United Nations High Commissioner for Refugees (UNHCR) with internally displaced persons are delineated in inter-office memorandum No. 33/93 and field office memorandum No. 33/93, issued by UNHCR on 28 April 1993. See *UNHCR's Operational Experience with Internally Displaced Persons* (Geneva: UNHCR, September 1994), annex I. The International Committee of the Red Cross, meanwhile, limits its involvement to situations of armed conflict.

[b] Deng, Francis M. and Roberta Cohen, *Masses in Flight: The Global Crisis of Internal Displacement*. Washington, D.C.: Brookings Institution (forthcoming).

[c] Specific suggestions for creating a framework for the continued on-site protection of the human rights of displaced persons and refugees are elaborated in the report of the United Nations High Commissioner for Human Rights to the General Assembly *(Official Records of the General Assembly: Fiftieth Session, Supplement No. 36 (A/50/36), paras. 86-87)*.